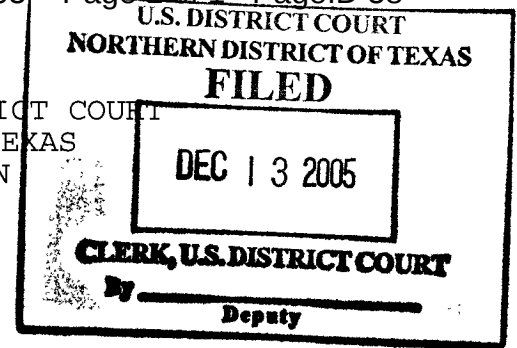


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



DAVID C. ELLZEY,

Petitioner,

VS.

DOUGLAS DRETKE, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL  
INSTITUTIONS DIVISION,

Respondent.

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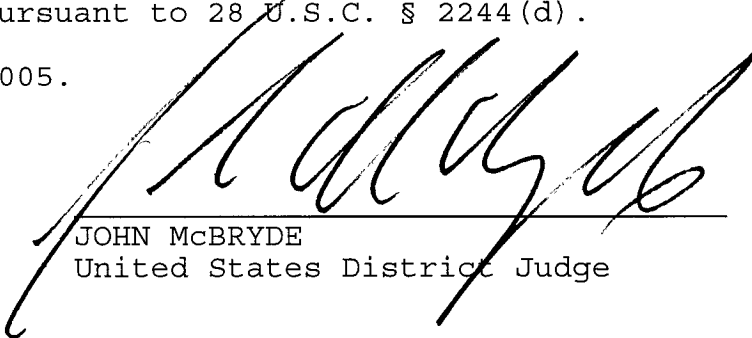
NO. 4:05-CV-442-A

O R D E R

Came on for consideration the above-captioned action wherein David C. Ellzey is petitioner and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On November 18, 2005, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by December 9, 2005. Copies of the proposed findings, conclusions, and recommendation were sent to petitioner and respondent. Because timely objections have not been filed, the court accepts the proposed findings, conclusions, and recommendation of the United States Magistrate Judge.

The court ORDERS that the petition be, and is hereby, dismissed as time-barred pursuant to 28 U.S.C. § 2244(d).

SIGNED December 13, 2005.

  
JOHN MCBRYDE  
United States District Judge